

ASSEMBLY THIRD READING
 AB 2826 (Weber)
 As Amended May 11, 2016
 Majority vote

Committee	Votes	Ayes	Noes
Education	7-0	O'Donnell, Olsen, Kim, McCarty, Santiago, Thurmond, Weber	

SUMMARY: Specifies measures of pupil progress, instructional techniques and strategies, and adherence to curricular objectives that school districts may use for purposes of teacher evaluation. Specifically, **this bill:**

- 1) Provides that, for purposes of teacher evaluation, the following phrases may include, but not necessarily be limited to, the following:
 - a) "Progress of pupils" may include the following multiple measures:
 - i) State-adopted formative and summative criterion referenced assessments;
 - ii) School district, school, or department-developed assessments;
 - iii) Curriculum-based and end-of-course assessments;
 - iv) Pretest and posttest data;
 - v) Interim, periodic, benchmark, and formative assessments;
 - vi) English language proficiency assessments;
 - vii) Assessments measuring progress in an individualized education program;
 - viii) Advanced placement, International Baccalaureate, and college preparedness examinations;
 - ix) A-G coursework completion;
 - x) Industry-recognized career technical education assessments and program completion;
 - xi) Portfolios of pupils' work, projects, and performances redacted of personally identifiable pupil information;
 - xii) Surveys from parents, if approved in advance by the certificated employee;
 - xiii) Surveys from pupils, if approved in advance by the certificated employee;
 - xiv) Written reports from classroom observations; and
 - xv) Progress on outcomes described in the local control and accountability plan (LCAP).

- b) "Instructional techniques and strategies" may include the following:
 - i) Engaging and supporting all pupils in learning;
 - ii) Planning instruction and designing learning experiences for all pupils; and
 - iii) Using pupil assessment information to inform instruction and improve learning.
 - c) "Adherence to curricular objectives" may include:
 - i) Understanding and organizing subject matter for pupil learning; and
 - ii) Developing as a professional educator.
- 2) States that the Legislature encourages school districts to utilize these options for purposes of teacher evaluation.
 - 3) States that these provisions shall not be construed as to require the State Board of Education to revise the guidelines developed pursuant to existing law.
 - 4) Clarifies that these provisions shall not be construed as in any way limiting the authority of school district governing boards to develop and adopt additional evaluation and assessment guidelines or criteria or to limit the rights of certificated employees or their exclusive representative to bargain procedures to be used for the evaluation of employees or other terms and conditions of employment pursuant.

EXISTING LAW:

- 1) Requires the governing board of each school district to establish standards of expected pupil achievement at each grade level in each area of study.
- 2) Requires the governing board of each school district to evaluate and assess certificated employee performance as it reasonably relates to:
 - a) The progress of pupils toward the standards established pursuant to subdivision (a) and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments;
 - b) The instructional techniques and strategies used by the employee;
 - c) The employee's adherence to curricular objectives; and
 - d) The establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.
- 3) Specifies that these provisions shall not be construed as in any way limiting the authority of school district governing boards to develop and adopt additional evaluation and assessment guidelines or criteria.
- 4) Requires teacher evaluation to be performed on a periodic basis, as follows:

- a) At least once each school year for probationary personnel;
- b) At least every other year for personnel with permanent status; and
- c) At least every five years for personnel with permanent status who have been employed at least 10 years with the school district, are highly qualified, if those personnel occupy positions that are required to be filled by a highly qualified professional by the federal No Child Left Behind Act of 2001, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree. The certificated employee or the evaluator may withdraw consent at any time.

FISCAL EFFECT: Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS: Existing law, known as the Stull Act, requires school districts to evaluate teacher performance on a periodic basis as it relates to the following:

- 1) The progress of pupils toward the standards established pursuant to subdivision (a) and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments;
- 2) The instructional techniques and strategies used by the employee;
- 3) The employee's adherence to curricular objectives; and
- 4) The establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

The terms, "progress of pupils," "instructional techniques and strategies," and "the establishment and maintenance of a suitable learning environment" are not defined in statute, but the Stull Act gives governing boards broad authority to "develop and adopt additional evaluation and assessment guidelines or criteria."

This bill specifies criteria that may be used by a governing board within its existing authority to define and measure these three terms. According to the author's office, although the Stull Act has required the consideration of pupil progress in the evaluation and assessment of certificated staff job performance for over four decades, school district leadership continues to struggle with what measures of pupil progress are appropriate especially with the lack of state tests in specific grade levels or content areas. This bill includes an expansive set of evidence for student achievement that recognizes the differences in outcome measures for various disciplines and pedagogy beyond statewide assessments, including, but not limited to, student portfolios, surveys, classroom observation, department assessments, Advanced Placement examinations, and English-language proficiency assessments. This bill also encourages the use of all the elements of the interrelated domains of teaching practice from the California Standards of the Teaching Profession, which represent consensus on the developmental, holistic view of effective teaching.